IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.4418 Of 2004

Tulshiram T. Rajwade .. Petitioner

versus

Kashinath B. Vitekar & ors. .. Respondents

...

Mr.S.N. Chandrachood for the petitioner.

Mr.Sachin Pende for the respondent.

CORAM : D.G. KARNIK, J

DATED : 27th August 2004

P.C:-

1. Heard the learned counsel for the petitioner and respondent.

2. This Writ Petition is directed against an order dated 25th February 2004 passed by the learned 3rd Addl. District Judge, Pune, rejecting an application for condonation of a delay of 75 days in filing of an appeal. The learned counsel for the

petitioner concedes that sufficient cause for the condonation of the delay has not been made out but prays for time to vacate the suit premises.

3. I have heard the learned counsel for the respondent. Taking an overall view of the matter, the petitioner is granted one years time to vacate the suit premises subject to the petitioner and all his adult family members filing of an undertaking in this Court in the usual form within a period of four weeks.

4. Petition rejected with the aforesaid direction.

D.G. KARNIK, J